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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA, ) No. CR 08-00198 JW  
15 Plaintiff, ) STIPULATION AND [PROPOSED]  
16 v. ) ORDER EXCLUDING TIME FROM  
17 JOSE BRAVO-AGUILAR, ) MARCH 27, 2008 TO APRIL 28, 2008  
18 Defendant. ) FROM THE SPEEDY TRIAL ACT  
19 \_\_\_\_\_ ) CALCULATION (18 U.S.C. §  
3161(h)(8)(A))

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21 The parties stipulate that the time between March 27, 2008 and April 28, 2008 is excluded  
22 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested  
23 continuance would unreasonably deny defense counsel reasonable time necessary for effective  
24 preparation, taking into account the exercise of due diligence, and including defense counsel's  
25 examination of the defendant's alien file. Finally, the parties agree that the ends of justice served  
26 by granting the requested continuance outweigh the best interest of the public, and the defendant

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1 in a speedy trial and in the prompt disposition of criminal cases, 18 U.S.C. §3161(h)(8)(A).

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3 DATED: March 28, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

4  
5 /s/  
6 BENJAMIN T. KENNEDY  
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8 Assistant United States Attorney

9 /s/  
10 LARA VENNARD  
11 Assistant Federal Public Defender

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## ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between March 27, 2008 and April 28, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and including defense counsel's examination of the defendant's alien file. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

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RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE